

WRIGHT & WEINER, LTD.
801 S. Rancho Drive, Suite B-2
Las Vegas, Nevada 89106
Tel: (702) 259-6789 Fax: (702) 386-6792

JOHN HENRY WRIGHT, ESQ.
Nevada Bar No. 6182
NATHAN SOSA, ESQ.
Nevada Bar No. 11719
WRIGHT & WEINER, LTD.
801 S. Rancho Drive, Suite B2
Las Vegas, Nevada 89106
Telephone: (702) 259-6789
Facsimile: (702) 386-6792
Attorneys for Defendants / Counterclaimants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE OPERATING ENGINEERS
PENSION TRUST, TRUSTEES OF THE
OPERATING ENGINEERS HEALTH AND
WELFARE FUND, TRUSTEES OF THE
OPERATING ENGINEERS JOURNEYMAN
AND APPRENTICE TRAINING TRUST and
TRUSTEES OF THE OPERATING ENGINEERS
VACATION-HOLIDAY SAVINGS TRUST,

Plaintiffs,

v.

SEQUOIA ELECTRIC, LLC, a Nevada limited
liability company; SEQUOIA ELECTRIC
UNDERGROUND, LLC, a Nevada limited
liability company; DESERT SEGURO, LLC, a
Nevada limited liability company; SAGEBRUSH
PROPERTY VENTURES, LLC, a Nevada limited
liability company; BLAKE BARSY d/b/a
SEQUOIA ELECTRIC COMPANY; BLAKE J.
BARSY, individually; CLEAR DIAMOND, LLC;
and SEQUOIA CONSTRUCTION, INC.,

Defendants.

BLAKE BARSY d/b/a
SEQUOIA ELECTRIC COMPANY,

Counterclaimant,

v.

TRUSTEES OF THE OPERATING ENGINEERS
PENSION TRUST, TRUSTEES OF THE
OPERATING ENGINEERS HEALTH AND
WELFARE FUND, TRUSTEES OF THE
OPERATING ENGINEERS JOURNEYMAN

Case No. 2:11-CV-01179

ORDER GRANTING
DEFENDANTS' MOTION FOR
A PRELIMINARY
INJUNCTION

1 AND APPRENTICE TRAINING TRUST and)
 2 TRUSTEES OF THE OPERATING ENGINEERS)
 3 VACATION-HOLIDAY SAVINGS TRUST,)
 Counterclaim Defendants.)

4
 5 **ORDER GRANTING DEFENDANTS'**
MOTION FOR A PRELIMINARY INJUNCTION

6 Presently before the Court is Defendants SEQUOIA ELECTRIC, LLC, SEQUOIA
 7 ELECTRIC UNDERGROUND, LLC, and BLAKE BARSY d/b/a SEQUOIA ELECTRIC
 8 COMPANY's Emergency Motion for a Temporary Restraining Order and Preliminary Injunction
 9 (Doc. #27) filed on or about February 24, 2012. Plaintiffs filed an Opposition on or about March
 10 09, 2012 (Doc. #29). Defendants filed a Reply on or about March 13, 2012 (Doc. #31).

11 The Court DENIED Defendants' Motion for a Temporary Restraining Order on or about
 12 February 28, 2012 (Doc. #28). The Court then set Defendants' Motion for a Preliminary
 13 Injunction on calendar for a hearing on March 16, 2012.

14 On or about March 16, 2012 at 11:00 a.m., the Motion came for a hearing before the
 15 Honorable James C. Mahan.

16 Upon hearing the oral arguments of counsel, and considering the pleadings on file in the
 17 present case, the Court GRANTS Defendants' Motion for a Preliminary Injunction as follows:

- 18 (1) Pursuant to FRCP 65, Defendant Blake Barsy d/b/a Sequoia Electric Company
 19 shall post security in the amount of \$718,380.06 into a blocked account. The
 20 monies located in this blocked account shall not be removed without a Court
 21 Order. Said blocked account will be opened / maintained at the Citibank branch
 22 located at 3900 Paradise Road, Suite 127, Las Vegas, NV 89169.
- 23 (2) Once said security has been deposited into the blocked account, and proof of same
 24 has been furnished to counsel for Plaintiffs, Defendants shall be removed from the
 25 Delinquent Contractors' List maintained by Plaintiffs. Plaintiffs shall also, upon
 26 inquiry by any entity, inform said entity that Defendants are no longer delinquent.

WRIGHT & WEINER, LTD.
801 S. Rancho Drive, Suite B-2
Las Vegas, Nevada 89106
Tel: (702) 259-6789 Fax: (702) 386-6792

- (3) During the pendency of this case, Defendants Sequoia Electric, LLC. and Blake Barsy d/b/a Sequoia Electric Company shall continue to make their contributions to Plaintiffs per the rates / terms of the Master Labor Agreement dated July 01, 2007.
- (4) During the pendency of this case, any Defendant that is a non-signatory to the Master Labor Agreement, and whose status as an alter-ego of the signatory companies is in dispute as a result of this litigation, shall make contributions into the blocked account for any of its employees performing operating engineers' work. Said contributions / rates shall be those laid-out in the Master Labor Agreement dated July 01, 2007.
- (5) So long as Defendants continue to comply with subsections 3 and 4 of this Order during the pendency of this case, Defendants shall not be placed on the Delinquent Contractors List.

ORDER


IT IS SO ORDERED.


DATED May 7, 2012.


UNITED STATES DISTRICT JUDGE

Submitted by:
WRIGHT & WEINER, LTD.

Approved as to form and content:
LAQUER, URBAN, CLIFFORD & HODGE


JOHN HENRY WRIGHT, ESQ.
NATHAN SOSA, ESQ.
801 S. Rancho Drive, Suite B2
Las Vegas, NV 89106
Attorneys for Defendants


MICHAEL A. URBAN, ESQ.
NATHAN R. RING, ESQ.
4270 S. Decatur Blvd., Suite A-9
Las Vegas, NV 89103
Attorneys for Plaintiffs